



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DP 8-5-0-0-0

HB 2686: building permits; utilities; restrictions; prohibitions

Sponsor: Representative Bowers, LD 25
Caucus & COW

Overview

Prohibits a municipality or county from establishing restrictions on issuing building permits based on the utility provider that will serve that project.

History

Municipality Building Permits

Statute establishes limited parameters on what a municipality can require from a building permit applicant. For example, a municipality cannot require an applicant to hold a transaction privilege tax (TPT) license or business license but can require someone to apply for a business license if they do not have one within 30 days of the permit being issued. Additionally, a municipality cannot require the subsequent owner of a building or addition that was constructed without a permit to obtain a permit for the prior owner's construction ([A.R.S. § 9-467](#)).

County Building Permits

If a municipality does not have an ordinance on issuing building permits, a county board of supervisors must require a building permit for any building construction or any addition that costs over \$1,000. Like municipalities, a county board of supervisors cannot require:

- 1) an applicant to have a TPT license or business license; or
- 2) the subsequent owner of a building or addition that was constructed without a permit to obtain a permit for the prior owner's construction ([A.R.S. § 11-321](#)).

Provisions

1. Prohibits a municipality or county from denying a building permit application based on the utility provider proposed to serve the project. (Sec. 1 and 3).
2. Directs a municipality or county issuing a building permit to ensure that all applicable permits and fees contain requirements and amounts for use of other utility providers that do not restrict a permit applicant's ability to use a utility provider that is authorized to provide service. (Sec. 1 and 3)
3. Requires a municipality's or county's code, ordinance, land use regulation or general or specific plan provision or part of a code, ordinance, land use regulation or general or specific plan provision to preserve a person's or entity's ability to use a utility provider that is authorized to provide services. (Sec. 2 and 4)
4. Forbids a municipality or county from imposing a fine, penalty or other requirement that restricts a utility provider's authority to operate or serve customers. (Sec. 2 and 4)
5. Specifies that these requirements do not affect a municipality's or county's authority to manage public highways within its boundaries or to exercise its power to review and approve an application before issuing a building permit. (Sec. 2 and 4)

6. Defines *municipality*. (Sec. 1)
7. Makes technical and conforming changes. (Sec. 1 and 3)